

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

**ARLINGTON VIDEO PRODUCTIONS,
INC.**

Plaintiff,

vs.

FIFTH THIRD BANK

Defendants.

Case No. 2:08-cv-122

Judge Gregory L. Frost
Magistrate Judge Terence P. Kemp

**JOINT MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT
AGREEMENT**

Plaintiff, Arlington Video Productions, Inc., (“Arlington Video” or “Plaintiff”) and Defendant Fifth Third Bank (“Fifth Third” or “Defendant”) (collectively, the “Parties”) move for Preliminary Approval (“PA”) of a class action settlement that has tentatively been agreed to in this matter pursuant to a Settlement Agreement (“SA” or “Settlement”) between the Parties. The Parties make this motion to implement that SA, but the settlement shall have no force or effect, nor shall the Parties’ request for class certification as part of the SA, if the settlement is not approved.

For the purpose of implementing the Settlement Agreement:

- a. The Parties ask this Court to preliminarily approve the Settlement as fair and reasonable;
- b. The Parties ask this Court to conditionally certify the Settlement Class;
- c. The Parties ask this Court to conditionally appoint the Plaintiff Arlington Video and Evan Newman as Class Representative, and Plaintiff asks that this Court approve a participation award of \$20,000;

- d. The Parties ask this Court to conditionally appoint the Plaintiff's attorneys, Murray & Murray Co., L.P.A., as Class Counsel, and Plaintiff asks this Court to conditionally approve the requested attorney fees of \$720,554 and cost reimbursement of out-of-pocket expenses of up to \$40,000;
- e. The Parties ask this Court to approve the proposed notice to the class, including the Notice Plan, Class Mail Notice, and Publication Notice; and
- f. The Parties ask this Court to preliminarily approve retention of Rust Consulting as the Third Party Administrator with an estimated payment of approximately \$169,586.

Respectfully submitted,

/s/ Dennis E. Murray, Sr.

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CERTIFICATION

This is to certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic system. Parties may access the filing through the Court's system on this 21st day of September, 2015.

/s/ Dennis E. Murray, Sr.

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